

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
July 26, 2005

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Ranking Member, Judiciary Committee  
Hearing on Comprehensive Immigration Reform  
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I commend the Chairman for calling this hearing and thank the Senators and witnesses who are here today. Securing our borders is a challenge that we must face, no matter how complex and difficult. While tackling these issues we also need to recognize the important role immigrant labor plays in our economy and adopt practical guest worker programs that are supportive of that contribution.

Yesterday morning the Administration notified the Committee that it would not send Michael Chertoff, Secretary of Homeland Security, and Elaine L. Chao, Secretary of Labor, to testify at today's hearing. This is the second time in a single week that the Administration decided, on very late notice, to cancel the long-planned appearances of high-ranking officials on matters of significant importance to this Committee. I certainly hope that this does not signify a trend.

I am particularly disappointed in the Administration's cancellation of Secretary Chertoff's appearance. Members of the Committee would have benefited from engaging in a discussion with him on the various approaches to comprehensive reform. Secretary Chertoff said on July 13 that the Department of Homeland Security must "strengthen border security and interior enforcement, as well as improve our immigration system." He continued, "We cannot have one approach without the other." I agree with him, and with the sponsors of the legislation that we will discuss today, that these issues should be addressed together, and soon.

I was sorry to learn that the House Majority Leader recently stated that enforcement must be taken up first, with guest worker proposals to follow later. The Senate Majority Leader did not split these issues apart, but he said that immigration is not likely to be taken up on the Senate floor this year. We all know that 2006 is an election year, making it difficult to advance proposals to solve our immigration problems free from campaign rhetoric and posturing. I hope that we can take up these serious issues this year, and avoid the pressure of an election cycle.

In May, Senators McCain and Kennedy introduced their bill, S.1033, the Secure America and Orderly Immigration Act. I have said many times that I believe the McCain-Kennedy bill is the appropriate starting point for the Judiciary Committee to consider immigration reform. This bill recognizes that much of the nation's economy depends on immigrant labor, and that some of

those immigrants do not have legal status. The bill provides an opportunity for those workers to earn legal status. It contains border security and enforcement provisions.

Last week, Senators Cornyn and Kyl introduced S.1438. Their approach supports the concept of a guest worker program but makes it exceedingly difficult for these non-citizens to obtain legal status. Illegal immigrants would have to leave the U.S. and then meet certain criteria before they could re-enter with legal, temporary status. The Cornyn-Kyl approach contains some troubling provisions that we must review carefully. It would authorize state and local police to enforce federal immigration laws, a policy that could undermine community policing efforts in immigrant communities. It would also expand expedited removal programs, which are already hurting bona fide asylum seekers.

Border security is a pressing issue in Vermont. I remain concerned that the Administration seems to have ignored Congress' clear and consistent call for substantial increases in staffing for the Border Patrol. The Border Patrol's presence on our Northern Border was minimal before the September 11th attacks, with about 300 agents assigned to the 4,000-mile border. Last December, Congress passed and the President signed the Intelligence Reform and Terrorism Prevention Act of 2004, which mandated an increase of at least 2,000 Border Patrol agents for FY 2006, with at least 20 percent of the increased agents to be assigned to the Northern Border. The President's budget, however, would have provided only enough funding to add 210 Border Patrol agents, or about 10 percent of what Congress mandated. Moreover, it appears that, of those agents provided for in the President's budget, not a single one would be assigned to the Northern Border.

While I am disappointed that the Homeland Security Appropriations Act that the Senate passed on July 14, 2005, fails to reach authorized levels, it does allocate for border security \$600 million more than the President's request, totaling \$9.8 billion. It directs DHS to use the funding to hire 1,000 more border agents to reach the goal of 10,000 more agents over the next 10 years. We must fight to maintain these levels as the bill goes to conference.

The approaches to immigration reform that we will discuss today are complex. I commend Senators for studying the issues carefully and putting forward their proposals for our consideration. I look forward to today's hearing and thank all the witnesses for their contributions.